

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

ROBERT McCULLOCK,
Plaintiff

v.

WARDEN D. SAMUEL, et al.,
Defendants.

Case No. 2:23-cv-03322-JFW (GJS)

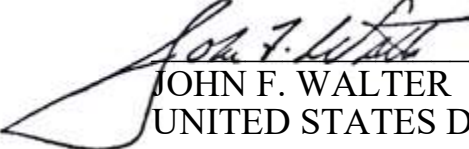
**ORDER ACCEPTING FINDINGS
AND RECOMMENDATIONS OF
UNITED STATES MAGISTRATE
JUDGE**

Pursuant to 28 U.S.C. § 636, the Court has reviewed the Complaint [Dkt. 1], all relevant documents filed and lodged in this action, the Report and Recommendation of United States Magistrate Judge [Dkt. 17, “Report”], and Plaintiff’s “Answer” to the Report [Dkt. 18]. The “Answer” does not state any objections to the Report.

Having completed its review, the Court accepts the findings, conclusions, and recommendations set forth in the Report. Accordingly, **IT IS ORDERED** that: (1) the Complaint is dismissed both with and without leave to amend for the reasons outlined in the Report; (2) Plaintiff is granted leave to amend to file a First Amended Complaint that attempts to plead viable 42 U.S.C. § 1983 claims based on the theory that Defendants’ failure to provide him with currently effective versions

1 of certain CDCR forms violated Plaintiff's First Amendment right to access the
2 courts and his procedural due process rights; (3) in all other respects, the Complaint
3 is dismissed without leave to amend; and (4) if Plaintiff wishes to pursue this action,
4 he must file a First Amended Complaint within thirty (30) days of this Order that
5 corrects the defects of the Complaint identified in the Report.

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7 DATE: May 17, 2024

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JOHN F. WALTER
UNITED STATES DISTRICT JUDGE